

Creating Communities of Place

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Cross-Acceptance

Editor's Note:

On June 25, 1997, the State Planning Commission approved the 1997 Reexamination Report and Preliminary State Plan. It also approved the Cross-acceptance Manual and established September 2, 1997 as the date to begin the first statutory revision and readoption of the State Development and Redevelopment Plan. This OSPlanning Memo highlights the cross-acceptance process that is integral to formulation of the State Plan.

Cross-acceptance is an important time for citizen and professional planners, as well as municipal and county officials, and others in the public and private sectors. It guarantees that the New Jersey State Development and Redevelopment Plan is not a 'top-down' plan. It brings all levels of government and the private sector together to coordinate plans, programs, regulations and investments. It can ensure that development occurs in agreed-upon places, and that other lands are preserved in an equitable manner. Cross-acceptance may be the largest public planning effort in the country. And, you are key to its success!

Introduction

The State Planning Act of 1985 (N.J.S.A. 52:18A-196 et seq.) declared that the State of New Jersey needs sound and integrated statewide planning to:

"conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal."

The Act created the State Planning Commission (SPC) and the Office of State Planning (OSP) in the Department of Treasury, with the primary duty of preparing a State Development and Redevelopment Plan to respond to the mandate for sound statewide planning. The first State Plan was adopted by the SPC on June 12, 1992. The Act requires the SPC to review and revise the Plan on a three-year cycle.

The vehicle for preparing and revising the State Plan is the cross-acceptance

process, which is defined in the State Planning Act as:

"a process of comparison of planning policies among governmental levels with the purpose of attaining compatibility between local, county and State Plans. The process is designed to result in a written statement specifying areas of agreement or disagreement and areas requiring modification by parties to the cross-acceptance."

The adoption of the State Development and Redevelopment Plan in 1992 marked the close of a cross-acceptance process that began some 42 months earlier, with the release of the Preliminary State Plan in January 1989. As we undertake the first statutory revision and readoption of the State Plan in 1997-98,

OSPlanning Memo is a periodic publication which highlights strategies, techniques and data of interest to the planning community in New Jersey. I welcome your comments on these memos and your suggestions for future topics.

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cross-acceptance will be governed by the same provisions of the State Planning Act that applied to the original Plan.

As was the case in 1989, cross-acceptance in 1997 begins with the release of a preliminary plan. But the starting points for these two preliminary plans are very different.

The 1989 preliminary plan was the third draft of a still-fluid document. Although it had been subjected to review and comment by public and private individuals and organizations, it had yet to be subjected to the rigorous comparisons and negotiations of the cross-acceptance process. Nor had it been adopted by the SPC - it was a draft that had been approved for the purpose of cross-acceptance.

The State Development and Redevelopment Plan would not, in fact, exist until four years later. The 1997 preliminary plan is not a draft in the same sense as it was in 1989. By statute, it will still be the first draft in a three-step process (preliminary, interim, final), but it has as its core the cross-accepted and adopted State Plan.

Cross-acceptance will focus mainly on three key planning documents: the **Preliminary State Development and Redevelopment Plan**, the **Interim State Development and Redevelopment Plan** and the **Impact Assessment of the Interim State Development and Redevelopment Plan**. All three will be subject to review and comment during the course of cross-acceptance. They are described below.

The Preliminary Plan

The Preliminary Plan — including maps, appendices, and any other material incorporated by reference — is the document approved by the

SPC to reflect proposed revisions to the current State Plan. It is the primary focus of the comparison phase of cross-acceptance.

For the 1997-98 cross-acceptance process, the Preliminary Plan has been incorporated into a document known as The New Jersey State Development and Redevelopment Plan: **Reexamination Report and Preliminary Plan**. The reexamination section consists of an assessment of trends and conditions that have changed since the adoption of the State Plan in 1992. The Preliminary Plan section contains proposed revisions to the State Plan for consideration during cross-acceptance.

The Interim Plan

The Interim Plan — including maps, appendices and any other material incorporated by reference — is the document approved by the SPC to reflect revisions to the Preliminary Plan. The Interim Plan is based in part on the results of the negotiation phase of cross-acceptance.

The Impact Assessment of the Interim Plan

Pursuant to the State Planning Act, the SPC will prepare (or have prepared) an assessment of the impacts of the Interim Plan, as compared to the impacts that likely would occur without a State Plan. The results of the assessment may identify desirable changes to be incorporated into the final State Plan.

The Three Phases of Cross-Acceptance

Cross-acceptance is conducted in three phases -- comparison, negotiation and final review. They were created by the SPC to give structure to the process. Each phase is a distinct activity with distinguishable tasks and outcomes.

Phase I: Comparison

The comparison phase begins with the release of the Preliminary Plan by the SPC. The comparison phase revolves around the negotiating entities -- usually counties representing their constituent municipalities — as they conduct a comparison of the State Plan with county and municipal plans, maps and regulations.

This six-month process involves county officials, municipal officials and the general public in a dialogue culminating in a cross-acceptance report, prepared by the county or other negotiating entity. This report, which is forwarded to the SPC, will describe the level of consistency that county and municipal plans and regulations have attained with each other and with the State Plan since the adoption of the State Plan in 1992. It will also assess how that consistency can be enhanced.

In addition, the cross-acceptance report will also document any changes, including map changes (e.g., modifications to planning areas, the addition of proposed centers), that the negotiating entity and

Even though the State Plan is undergoing modification in 1997-98, the version adopted on June 12, 1992 will constitute the official State Development and Redevelopment Plan until it has been revised and formally readopted by the SPC at the conclusion of cross-acceptance, some two years from now. Accordingly, state, county and local governments should continue their efforts to implement the State Plan during cross-acceptance, and the SPC will continue to provide opportunities for additional Center designations and endorsements of county, sub-regional or urban complex plans.

its municipalities want to see in a revised State Plan. The report may contain recommendations for proposed legislation or programs, or proposals for future studies.

Finally, the cross-acceptance report will set the agenda for the negotiation phase. (Any municipality disagreeing with the negotiating entity's report may file its own report with the SPC.)

Phase II: Negotiation

After receiving cross-acceptance reports, the SPC will set a date to begin the negotiation phase of cross-acceptance. These negotiations attempt to resolve any disagreements among the cross-acceptance parties or any inconsistencies in their plans. The SPC will provide each county or municipality that submitted a cross-acceptance report

an opportunity to negotiate any issues raised in those reports.

All determinations made by the county planning board during the negotiation phase will be subject to the action of the county's governing body. Likewise, all determinations made by either the OSP or the SPC's negotiating committee will be subject to the approval of the SPC. The SPC will publish an official "Statement of Agreements and Disagreements," listing all such areas defined during cross-acceptance and the ensuing negotiations.

Any agreements on revisions to the State Plan reached during this phase will be reflected in the Interim State Plan prepared and approved by the SPC. The Interim Plan will be the subject of an impact assessment, as prescribed by the State Planning Act. There will be a period of about four months between the end of

negotiations and the beginning of the next phase, final review, to allow time for the preparation of the impact assessment.

Phase III: Final Review

With the information and resolutions gathered during the comparison and negotiation phases, and the results of the impact assessment, the SPC will begin the task of preparing the final State Plan - Phase III of the cross-acceptance process. The purpose of the final review phase is to allow review of and accept comment on the Interim Plan (as may be amended by the SPC based on the findings of the impact assessment), the Infrastructure Needs Assessment, the Statement of Agreements and Disagreements and the Impact Assessment of the Interim Plan.

Those documents will be the subject of at least six public hearings. Based on the findings of the hearings and any written comments, the SPC will consider and adopt the State Development and Redevelopment Plan no sooner than 30 days and no later than 60 days after the last of the public hearings.

The Timetable For Cross-Acceptance

The first round of cross-acceptance took 42 months to complete, due, in part, to the newness of both the process and the State Plan. This should not be the case in 1997-98, as familiarity with the process and the Plan should be more widespread. Projecting a reasonable pace for cross-acceptance depends on several factors. First, there are certain time constraints placed on the process by the State Planning Act. The Act provides eight required deadlines and time frames, which generate approximately 22 deadlines and time

The SPC promulgated the State Planning Rules (N.J.A.C. 17:32-1 through 5) to establish guidelines for conducting cross-acceptance process. These five subchapters cover all aspects of cross-acceptance.

- **Subchapter 1**, *General Provisions*, sets forth general information including the purpose, authority and applicability of the rules, definitions of terms, public participation and technical assistance.
- **Subchapter 2**, *Preparation of Preliminary State Development and Redevelopment Plan*, establishes a process for the preparation and approval of a preliminary plan that will be the subject of cross-acceptance.
- **Subchapter 3**, *Procedures for Conducting the Comparison Phase of Cross-Acceptance*, establishes procedures for conducting the first phase of cross-acceptance. This subchapter covers the designation of negotiating entities; requirements for cross-acceptance work programs; municipal participation; regional agency participation; public meetings; negotiating entity reports; and municipal reports.
- **Subchapter 4**, *Procedures for Conducting the Negotiation Phase of Cross-Acceptance*, establishes procedures for conducting the second phase of cross-acceptance. This subchapter covers SPC, county, and municipal representation during negotiations; how negotiations will be conducted; and requirements for an impact assessment of the Interim Plan.
- **Subchapter 5**, *Procedures for Conducting the Final Review Phase of Cross-Acceptance*, establishes procedures for conducting the third and final phase of cross-acceptance, including required public hearings and opportunities for county and municipal review and comment. This subchapter also establishes a schedule for adoption of the State Plan.

The Participants and Their General Responsibilities

Cross-acceptance is intended to be an open and thorough dialogue that involves not only governments, but

CROSS-ACCEPTANCE SCHEDULE SUMMARY	
Preliminary Plan released	September 1997
Comparison Phase	September '97 to February '98
Negotiation Phase	February '98 to July '98
Interim Plan approved by SPC	July 1998
Impact Assessment conducted on Interim Plan	July '98 to October '98
Amended Interim Plan approved by SPC	November 1998
Final Review Phase	November '98 to April '99
Revised SDRP adopted by SPC	April 1999

Each negotiating entity should fashion a public participation program that best suits its needs and capabilities, using some or all of the techniques listed in Figure 3. The list is not exhaustive, and the SPC is interested in hearing about other innovative ways of making the process as inclusive as possible. All meetings and hearings during cross-acceptance must be carried out in accor-

At a minimum, the public may participate in cross-acceptance in these ways:

- ◆ Public comment at the regular monthly meetings of the SPC and at any special public hearings conducted by the SPC.
- ◆ Submittal of written comments to the SPC at any time up to 30 days after the last public hearing on the final Plan.
- ◆ Written or verbal communication with municipal and/or county officials involved in cross-acceptance.

OFFICIAL Release of Preliminary Plan by SPC September 1997	I COMPARISON	II NEGOTIATION	IMPACT ASSESSMENT		Amended Interim Plan Approved by SPC November 1998	III FINAL REVIEW		
	0 Month*	0 Month	3 Month	1 Month	1st Month*	1 Month	2 Month*	
	1.21 Joint (county/tribe) public informational meetings between day 45 and day 90*	1. OSP/LHC negotiation 2. SPC/LNC negotiation 3. OSP/SPC prepare: A. Interim Plan B. Statement of Agreements and Disagreements ² C. Infrastructure Needs Assessment ³	Independent contractor conducts assessment of Interim Plan Assessment Completed October 1998	Revises Interim Plan if warranted by Impact Assessment	45 day lag before first public hearing ⁴ SPC gives 30 day notice of first public hearing ⁵	SPC conducts at least 8 public hearings on Plan and Impact Assessment ⁶	90 days ⁷ (30/60) Final revisions	
	2. Negotiating entities: A. Conduct consistency reviews of municipal and county plans with Preliminary Plan B. Compile list of findings, recommendations, and objections*	Once-Acceptance Report submitted to OSP February 1998	Interim Plan Approved by SPC July 1998		First Public Hearing January 1999	Last Public Hearing February 1999		

* Required by State Planning Act
Negotiating Entity = County
LNC = Local Negotiating Committee consisting of a county planning staff and at least two county planning board members
OSP = Office of State Planning
SPB = State Planning Commission

- ◆ Public comment at negotiation sessions conducted by the SPC.
- ◆ Comments presented at meetings of various SPC committees.
- ◆ Participation in advisory committees.

Figure 3

Public Participation Tool Box

Disseminating Information

- ✍ Establish a mailing list of interested parties.
- ✍ Place display ads and press releases in local and regional newspapers.
- ✍ Start a cross-acceptance newsletter and/or use existing government and private newsletters.
- ✍ Create and distribute brochures, flyers, videos and posters (some may be provided by the OSP).
- ✍ Provide copies of all documents and notices to local and regional libraries.
- ✍ Use local radio and television stations.
- ✍ Distribute information through local schools.
- ✍ Establish an Internet Web site or provide information to the OSP for inclusion on its Web site.
- ✍ Establish a telephone hot line for regularly updated, 24-hour, pre-recorded cross-acceptance information.
- ✍ Provide summaries of all meetings held with municipal cross-acceptance representatives.

Participation Opportunities

- ✍ Hold a countywide cross-acceptance kickoff conference.
- ✍ Hold a series of well-publicized meetings throughout the county, at accessible locations and times.
- ✍ Provide a central name and address for the receipt of written comments.
- ✍ Provide an E-mail address or URL for receiving comments.
- ✍ Establish a broad-based advisory committee.
- ✍ Establish issue-oriented advisory groups or task forces.
- ✍ Conduct citizen surveys by mail.
- ✍ Hold a public hearing on both the draft and final cross-acceptance reports.

Potential Target Groups and Organizations

- ✍ Individual citizens
- ✍ Community colleges
- ✍ Elementary and secondary schools
- ✍ Development interests
- ✍ Public and private utilities
- ✍ Agricultural interests
- ✍ Chambers of commerce
- ✍ Local boards of education
- ✍ Private regional planning organizations
- ✍ Trade groups
- ✍ Professional associations
- ✍ Environmental interests
- ✍ Affordable housing interests
- ✍ Community development corporations
- ✍ Neighborhood associations

Some examples: NJ Chapter of the American Planning Association, NJ Planning Officials, NJ Farm Bureau, Association of NJ Environmental Commissions, NJ Builders Association, Regional Plan Association, MSM Regional Council, NJ Society of Municipal Engineers, NJ Municipal Management Association, NJ League of Municipalities, NJ Future, League of Women Voters, NJ Business and Industry Association, Affordable Housing Network, NJ Association of Realtors, Highlands Coalition, New Communities Corporation.

There will be 21 public information meetings on the Preliminary Plan (one in each county), a public hearing in each county before the finalization of its cross-acceptance report and at least six public hearings on the Interim State Development and Redevelopment Plan.

✓ *Informed participation in cross-acceptance requires that participants read the State Development and Redevelopment Plan, the Cross-Acceptance Manual, the State Planning Rules (N.J.A.C. 17:32) and the State Planning Act (N.J.S.A. 52: 18A-196 et seq.). Participants should also keep track of and monitor local and county cross-acceptance meetings, as well as those of the SPC. Up-to-date SPC schedules and cross-acceptance information can be obtained by calling the OSP at 609-292-7156 or 1-800-522-0129 or by visiting the OSP home page on the Internet's World Wide Web at www.state.nj.us/osp/.*

Municipalities

Because the majority of land-use and growth-management decisions are made at the local level in New Jersey, municipal plans necessarily become a major focus of cross-acceptance. Through cross-acceptance, municipalities have an opportunity to promote three-way consistency among municipal, county and state plans, thus strengthening their own local initiatives.

To participate in cross-acceptance, municipalities must ensure that the county (or other designated negotiating entity) and the OSP have a current copy of all master plans, land development regulations, and other information required for the comparison of plans and programs, as specified for the county cross-

acceptance report. Municipalities are also required to provide the negotiating entity for their county with a list of official cross-acceptance representatives who will serve as municipal liaison throughout the process. Each municipality also has the right to file a separate municipal cross-acceptance report with the SPC.

The cross-acceptance discussion at the municipal level should not be restricted to either the governing body or the planning board. In addition to the general public, municipalities should involve the full range of municipal agencies: for example, the board of education, utility authority, environmental commission, and local development corporation; along with agencies responsible for planning, community and economic development, housing, parks and recreation, public works, social services and public safety.

Counties

Counties play a pivotal role in cross-acceptance. Pursuant to the State Planning Act, “the (State Planning) Commission shall negotiate Plan cross-acceptance with each county planning board....” Those counties that choose to take on the role of negotiating entity become, in effect, the direct link between their constituent municipalities and the SPC during cross-acceptance. County “negotiating entities” are responsible for involving municipalities and the general public to ensure an all-inclusive dialogue.

Each participating county will undertake a six-month review of its

Elements of a Cross-Acceptance Report		
Required		
<input checked="" type="checkbox"/>	<i>The degree to which municipal and county plans have incorporated the various provisions of the current State Plan and/or the proposed revisions in the Reexamination Report.</i>	
<input checked="" type="checkbox"/>	<i>A detailed list of findings, recommendations, and objections concerning the State Plan or proposed revisions to the State Plan, as represented in the Reexamination Report.</i>	
<input checked="" type="checkbox"/>	<i>The potential for modifications to local and county plans that would contribute to a higher degree of consistency among local, county and State plans.</i>	
<input checked="" type="checkbox"/>	<i>The degree to which designated State Plan centers have carried out their planning and implementation agendas, and any conditions placed on those centers by the SPC when they were designated.</i>	
<input checked="" type="checkbox"/>	<i>A negotiation agenda.</i>	
Recommended		
<input type="checkbox"/>	<i>Mapping community development boundaries of Centers (particularly in Planning Areas 3-5 and undeveloped portions of Planning Area 2).</i>	
<input type="checkbox"/>	<i>Identifying cores and nodes in Planning Area 1 and the developed portions of Planning Area 2.</i>	
<input type="checkbox"/>	<i>Identifying growth-management issues having multi-municipal or multi-county impact.</i>	
<input type="checkbox"/>	<i>Identifying and developing indicators for regional, county, and local plans.</i>	
<input type="checkbox"/>	<i>Applying the OSP growth simulation model to project growth and assess infrastructure needs.</i>	
<input type="checkbox"/>	<i>Presenting county, sub-regional and urban complex plans for endorsement by the SPC.</i>	
<input type="checkbox"/>	<i>Comments and recommendations regarding state agency implementation of the State Plan.</i>	
<input type="checkbox"/>	<i>Other topics of concern or interest cited by municipalities and counties.</i>	
	own development plans and regulations — as well as those of the municipalities within its jurisdiction — as they relate to the State Plan, resulting in a cross-acceptance report that will be submitted to the SPC. The report will analyze the consistency or inconsistency of state, county and municipal plans. After completing the cross-acceptance report, the county will be responsible for negotiating State Plan issues with the SPC.	level should not be restricted to either the governing body or the planning board. In addition to the general public, counties should involve the full range of county agencies: for example, the community college, utility authority, environmental commission, improvement authority, agricultural development board and board of agriculture; and agencies responsible for planning, community and economic development, housing, parks and recreation, public works, social services and public safety.
	As with municipalities, the cross-acceptance discussion at the county	

*In conjunction with the release of the Preliminary State Development and Redevelopment Plan, the OSP will ask each county to file a **Notice of Participation** or a **Notice of Waiver**. A Notice of Participation is a duly adopted resolution of a county governing body authorizing participation of the county as the negotiating entity in the cross-acceptance process. A Notice of Waiver is a duly adopted resolution of the county governing body stating its intent to forfeit and waive its statutory authority to participate in cross-acceptance. The counties must send their Notices of Participation or Waiver to the OSP no later than 45 days after release of the Preliminary Plan. In the event that a county sends a Notice of Waiver, or fails to send a Notice of Participation by the prescribed deadline, the SPC will designate an **alternate negotiating entity** for cross-acceptance for each such county.*

Selected Regional Agencies

- ◆ *Delaware and Raritan Canal Commission*
- ◆ *Delaware River and Bay Authority*
- ◆ *Delaware River Basin Commission*
- ◆ *Delaware River Port Authority*
- ◆ *Delaware Valley Regional Planning Commission*
- ◆ *Hackensack Meadowlands Development Commission*
- ◆ *North Jersey Transportation Planning Authority*
- ◆ *Palisades Interstate Park Commission*
- ◆ *Pinelands Commission*
- ◆ *Port Authority of NY and NJ*
- ◆ *South Jersey Transportation Planning Organization*

Regional Agencies

Growth and development decisions are increasingly regional in their impacts and often require a regional perspective for effective management. Thus, it is vital to the state planning process that regional and bi-state agencies be involved in the cross-acceptance discussion.

The SPC has prepared a list of regional agencies that should be included in the process. It will ask each of those agencies to prepare a report outlining the degree to which its regional plan incorporates or conflicts with the Preliminary State Plan and proposing modifications to the Preliminary Plan or the regional plan. The OSP will provide each agency with a list of all public meetings on the State Plan to be held within its area of jurisdiction.

State Agencies

For county and municipal governments, the State Planning Act established cross-acceptance as the vehicle for achieving consistency between the State Development and

Redevelopment Plan and local plans. There is no parallel process prescribed in the Act for establishing consistency with the plans of other State agencies. Nonetheless, the Act's requirement to 'coordinate planning activities and establish statewide planning objectives' is meaningful only if other State agency plans and actions affecting land use and development are consistent with the State Plan.

In November 1996, for the second consecutive year, Governor Whitman instructed all State agencies to examine their own plans and programs to assess coordination with the State Plan. Specifically, each agency must assess how its plans, programs, investments, grants-in-aid, regulations, proposed legislative initiatives and public information activities advance the State Plan.

State agencies have also been instructed to provide the SPC with any recommendations or changes to the State Plan that would improve the utility of the Plan for that agency. All of this information will be available to interested parties and considered by the SPC as it reviews and revises the State Plan through cross-acceptance.

Those state agencies that are members of the SPC -- Agriculture, Commerce, Community Affairs, Environmental Protection, Transportation, Treasury and the Governor's Office of Policy and Planning -- will be directly involved in cross-acceptance both as voting members of the SPC and as members of negotiating committees.

The Legislature

The SPC recognizes the important roles that the members of the New Jersey Senate and General Assembly have in the statewide planning

process. Each member of the Legislature will receive the Preliminary, Interim and the adopted State Development and Redevelopment Plan.

Throughout cross-acceptance, the SPC will work closely with legislators to keep them informed, and solicit their comments and suggestions. It encourages the Legislature to give due consideration to the Preliminary, Interim and final Plans, and to the issues they raise.

The State Planning Commission and the Office of State Planning

The SPC is responsible for the preparation, adoption and revision of the State Plan. The OSP, serving as staff to the SPC, helps it prepare and produce the Plan and administers the cross-acceptance process. The SPC is responsible for negotiating all cross-acceptance issues with counties and municipalities and has sole authority over the final content of the State Plan.

Conclusion

The State Planning Commission and staff look forward to working with you during the cross-acceptance process. Your comments, ideas and suggestions are welcome. Together, we can make the State Development and Redevelopment Plan work for all in New Jersey. Cross-acceptance will ensure that we all achieve the vision of "Communities of Place."

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